

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION Nos 28, 64, 65, 67, 68 and 252
of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

RAMANBHAI KODARJI

Versus

STATE OF GUJARAT

Appearance:

MR PH PATHAK for Petitioner

Ms.B.R.GAJJAR for M/s.Patel Advocates for Respondents

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 06/04/2000

COMMON ORAL JUDGEMENT

1. All the above matters involve the same question
of fact of law and, therefore are decided by common
order.

2. In all these writ petitions, the petitioners are engaged by respondent - Government on the basis of daily wagers. The petitioners are working for more than 10 years in the different departments of the Government as daily labourers or in other works. It is submitted by Mr. D.H.Pathak learned counsel for the petitioners that in a similar case, this Court passed an order dated 23/10/1999 in Special Civil Application No. 5757/88 and all these cases can be disposed of in the line of the order passed in the aforesaid Special Civil Application. Ms. B.R.Gajjar appearing on behalf of M/s. Patel Advocates representing respondents submitted that the Government has framed a scheme by Resolution dated 17/10/1988 and thereafter, a settlement has also been reached between the petitioners employees and the Government on 1/10/1988 wherein the detailed modalities have been framed and by which the petitioners will be regularized. It is submitted by the learned counsel for the petitioners that the petitioners in all these cases have completed their services as daily workers for more than 10 years and therefore they are attracted by Clause-III of the Government Resolution. These petitioners are treated as permanent employees in regular pay scale and they should be given all the benefits as are available to other Government employees of the same category. The learned counsel for the petitioners further submits that in some departments the clauses of Resolution taken by the Government on 17/10/1988 are misinterpreted and all facilities of permanent employees are not being extended to the petitioners. Benefits like L.T.C. and Festival Advance are not being given to them, who have been regularized in services as permanent govt. employees. It appears that the Government resolution is very clear that these petitioners who have completed more than 10 years services as daily workers will be treated as permanent employees and they will get regular scale of pay. When these employees are treated as permanent employees with regular scale of pay, I do not find any reason that they will be deprived of the benefits given to other Government employees of same category. There cannot be any confusion about the Government resolution and it is obligatory on the part of the Government to extend all the benefits to these petitioners, who have been regularized on regular posts with regular scale of pay. I have gone through the judgement passed by this Court on 23/10/1999. In the aforesaid order it has been clarified that the petitioners who have been made permanent with regular scale of pay, will get all the benefits as are available to other Government employees of similar category. When the petitioners have already been regularized as permanent Government employees no

direction in this regard is necessary. In terms of the order passed in earlier case on 23.10.1999, the respondents are directed to extend all the benefits of regular employees to the petitioner, who have been made permanent employees in regular scale of pay for more than 10 years of service. They should not be discriminated with other employees. With the aforesaid observations and direction all the petitions are allowed and accordingly dispose of. The learned counsel for the petitioners have furnished the copy of Government resolution dated 17.10.1988 and memorandum of settlement dated 1.10.1988 which may be taken on record. Rule made absolute accordingly no order as to costs.

(P.K.Sarkar, J)

(Vipul)